

**REMARKS**

Claims 27-32, 34-42, 44-55, 57-65, and 60 7-71 have been rejected under 35 USC § 102(b) as being anticipated by German Patent 1,213,249 to Lübeck. In making this rejection, the Examiner contends that Lübeck describes a valve flap that has "a curvature from the first end to a second end when not attached to the valve body or the facemask." More particularly, the Examiner states that "Figure 1 of the Lübeck reference shows a valve flap having a curvature from a first end to a second end when not attached to the valve body or the face mask (the spots where reference characters 1 and 24 are pointing at define a curvature from the first end 24 to a second end 1)."

Lübeck's Figure 1, however, does not show a valve flap that "has a curvature from a first end to a second end when the valve flap is not attached to the valve body". Lübeck only shows that it's valve element has a slight curvature at ends 24 and 1:

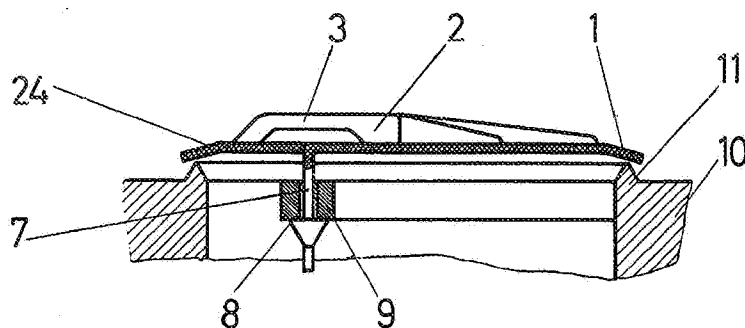


Figure 1 of Lübeck.

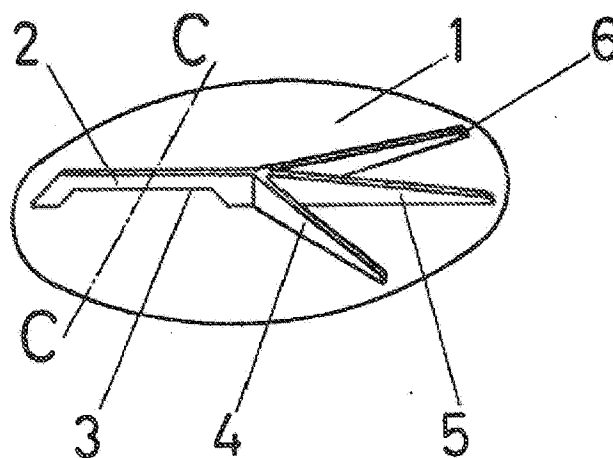


Figure 5 of Lübeck.

In addition, Lübeck does not describe a unidirectional valve where "at least a portion of the curvature of the valve flap is at least partially flattened when the valve flap seals the valve opening." On page 11 of their specification, applicants explain that the "at least partially flattening out" of the of flap "provides the necessary sealing force to keep the valve diaphragm 56 in its closed position when not subjected to other forces." Thus, applicants' invention pertains to the use of a valve flap that is curved from a first end to a second end where a portion of the curvature becomes flattened out when the valve flap seals the opening. This particular flattening out of the flap is beneficial in that it enables a bias to be created, which provides the necessary sealing force to keep the valve diaphragm closed.

Not only does Lübeck fail to teach or suggest the structure of applicants invention so as to anticipate it under 35 USC § 102(a), but it also provides no teaching that would have rendered applicants' invention obvious to a person of ordinary skill, within the meaning of 35 USC § 103(a). As indicated above, Lübeck fails to teach two important features of applicants' invention. And it also fails to address the benefits that those features provide.

The secondary reference to US patent 5,509,436 to Japuntich et al. (Japuntich) adds little or nothing to what is lacking in Lübeck. Japuntich also fails to suggest providing a valve flap that is curved when not attached to the valve body and that becomes at least partially flattened out when the valve flap seals the opening.

Claims 28, 38, and 48-50 have been rejected on the ground of non-statutory obvious-type double patenting as being unpatentable over claims 13-16 and 26 of U.S. Patent No. 6,883, 518. Upon an indication of otherwise allowable subject matter and in the event this rejection is maintained, Applicants will provide an appropriate response.

Please further examine this patent application in light of the remarks provided above.

Respectfully submitted,

July 9, 2008

Date

By: 

Karl G. Hanson, Reg. No.: 32,900

Telephone No.: 651-736-7776

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
Facsimile No.: 651-736-3833